

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DJUNA EITNER, on behalf of)	Case No.: 5:07 CV 2069
BRITTANY D. EITNER,)	
)	
Plaintiff)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant)	<u>ORDER</u>

Plaintiff Djuna Eitner (“Plaintiff”) seeks judicial review, pursuant to 42 U.S.C. § 405(g), of Defendant Commissioner of Social Security’s (“Defendant”) final determination denying Plaintiff’s claim on behalf of her stepdaughter, Brittany Eitner (“Brittany”), for child’s insurance benefits (“CIB”), 42 U.S.C. § 402(d). On May 23, 2006, the Administrative Law Judge (“ALJ”) denied Plaintiff’s claim because Plaintiff was not providing Brittany with one-half support, and therefore Brittany was not Plaintiff’s “dependent child,” as required by Section 202(d)(1)(C) of the Social Security Act.

Judge David S. Perelman (the “Magistrate Judge”) issued his Report and Recommendation (“R&R”) on February 22, 2008. (ECF No. 14.) The Magistrate Judge recommended that final

judgment be entered in Defendant's favor, stating that he was "in complete agreement with the determination made by the ALJ, the basis of which is well-articulated in [D]efendant's brief," and that he could find "no support, either factual or legal, for the argument advanced in [P]laintiff's briefs." (*Id.*)

As of the date of this Order, Plaintiff has not filed objections to the R&R. By failing to do so, she has waived the right to appeal the Magistrate Judge's recommendation. *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The court finds, after careful review of the Magistrate Judge's R&R and all other relevant documents, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge's R&R. (ECF No. 14.)

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

March 13, 2008